IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 1850 OF 2003

IN

TESTAMENTARY PETITION NO. 134 OF 1992

Jagannath Visu Shetty. .. Petitioner.

vs.

Smt. Sudheela Shama Shetty .. Caveator.

And

Sadanand Annappa Shetty. .. Applicant.

Mr. Kalpesh Kamat for applicant.

Mr. N. Gawade with Ajit Karwaande

for Respondent.

CORAM : S.U. KAMDAR, J.

DATE : 15TH JULY, 2005.

P.C.

. By the present motion, an application is made for transferring City Civil Court Suit No. 7334 of 1990. The said application is thoroughly misconceived. The testamentary jurisdiction does not decide the dispute as to the title of the property thus the said suit is not required to be transferred to this Court if it pertains to any

issue of property. If the suit pertains to the validity of the will then obviously the learned Judge of the City Civil Court taking up the said suit shall not proceed and pass any order till the present Testamentary Petition No. 134 of 1992 is finally decided. Motion disposed of accordingly. No order as to costs.